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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/920,182	08/01/2001	Ramesh Lhila	6001-45-1	4522

7590

06/25/2003

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EXAMINER

VO, HAI

ART UNIT

PAPER NUMBER

1771

9

DATE MAILED: 06/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/920,182

Applicant(s)

LHILA ET AL.

Examiner

Hai Vo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other:

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1. Claims 23-41 have been cancelled in the amendment received on 04/22/2003.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-9, 11-15, 17, 19 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Everaerts et al (US 5,612,136) in view of Everaerts et al (US 5,695,837) as evidenced by Kimura et al (US 5,611,881) substantially as set forth in Paper no. 5.
4. Claims 18 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Everaerts et al (US 5,612,136) in view of Everaerts et al (US 5,695,837) as applied to claim 12, further in view of Mazurek et al (US 5,264,278) as evidenced by Kimura et al (US 5,611,881) substantially as set forth in Paper no. 5.
5. Claims 10 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Everaerts et al (US 5,612,136) in view of Everaerts et al (US 5,695,837) as applied to claims 1 and 12, further in view of Palazzotto et al (US 5,521,227) as evidenced by Kimura et al (US 5,611,881) substantially as set forth in Paper no. 5.
6. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Everaerts et al (US 5,612,136) in view of Everaerts et al (US 5,695,837) as applied to claim 12, further in view of Palazzotto et al (US 5,521,227) and Mazurek et al (US 5,264,278)

as evidenced by Kimura et al (US 5,611,881) substantially as set forth in Paper no.

5.

***Response to Arguments***

7. Claim objections have been overcome by the present amendment.
8. The terminal disclaimer filed on 04/16/2003 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US Patent Application Ser. 09/898,969 has been reviewed and is accepted. The terminal disclaimer has been recorded. The double patenting rejections have been overcome by the terminal disclaimer.
9. The art rejections have been maintained because of the following reasons. The arguments that both Everaerts'136 and Everaerts'837 fail to disclose, teach, or suggest a heat-activated adhesive comprising a polyamide, a polyester, a polyolefin, a urethane, a polyurethane, a block copolymer, an elastomer, a block copolymer rubber, or a combination of the foregoing materials are not found persuasive. Everaerts'136 teaches an adhesive tape comprising a foam-like core coated with layer of the pressure sensitive adhesive composition (column 4, lines 61-65). Everaerts'837 teaches a double coated tape comprising a carrier layer having a layer of a pressure sensitive adhesive on one side of the carrier layer and a layer of a synthetic rubber adhesive on an opposite side wherein the carrier layer is an acrylic foam sheet (column 10, lines 12-25). It is well-known in the adhesive art that the synthetic rubber adhesive is a heat adhesive styrene-butadiene rubber (US 5,611,881, column 5, lines 1-15). Thus, it would have been obvious to one having

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ordinary skill in the art at the time the invention was made to dispose one layer of a synthetic rubber adhesive, especially a block copolymer rubber shown in US 5,611,881 onto one side of the core and one layer of pressure sensitive adhesive onto the other side of the core because it is a typical, desirable structure of a double coated tape useful for permanent tape backings.

***Conclusion***

**10. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**11.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Vo whose telephone number is (703) 605-4426. The examiner can normally be reached on Tue-Fri, 8:30-6:00 and on alternating Mondays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (703) 308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

HV  
June 20, 2003

  
TERREL MORRIS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700